

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

2023 DEC -8 AM 11:09

# UNITED STATES DISTRICT COURT OFFICE OF THE CLERK

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Courtney Perkins

Case No.

8:23CV542

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Kellogg's

Jury Trial: (check one) ☐ Yes ☐ No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Courtney Perkins
Street Address	14130 Manderson Plaza apt 202
City and County	Omaha/Douglas
State and Zip Code	Nebraska/68164
Telephone Number	402-350-8262
E-mail Address	courtneyperkins6996@gmail.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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## Defendant No. 1

Name	Kellogg's
Job or Title <i>(if known)</i>	Corporation
Street Address	9601 F ST
City and County	Omaha/Douglas
State and Zip Code	Nebraska/68127
Telephone Number	402-331-7717
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title I of the ADA

Wrongful termination

Not following State Safety Protocols for epilepsy

Unsafe work conditions

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Courtney Perkins, is a citizen of the State of *(name)* Nebraska.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

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b. If the defendant is a corporation

The defendant, (name) Kellogg's, is incorporated under the laws of the State of (name) Nebraska, and has its principal place of business in the State of (name) Michigan.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:  
105,000 per year since 2021 August  
Medical Expenses  
Lifestyle change  
Retirement  
Mental Wealth  
~~Punitive Damages~~

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.  
See Attachment

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### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

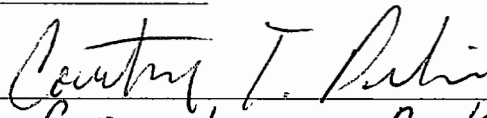
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/07/2023

Signature of Plaintiff

Printed Name of Plaintiff

  
Courtney Perkins

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

#### **SUBMISSION OF COMPLAINT**

My is Courtney T Perkins a Pro Se Plaintiff in the Case No. 8:23-cv-127. I recently had to have brain surgery. This is a first step in a two part surgery. In an effort to not burden the court, with backlogs and having to hold my place on the docket of cases to review. I asked for and was gracefully granted a dismissal without prejudice. This whole case has been strung due to some special circumstances, both legal and policy process wise. First there was the Union and Kellogg's strike fight. Then once that was done I had to wait for the new contracts to be finalized. Once the Union had that taken care of they were able to take me through the grievance process. They advised me to take my case to the state EEOC. But due to their limited scope of investigation time window. It was suggested that the best resolution would come from an federal case. And then came the brain surgery for my epilepsy for which the very case is for. I thought that the case would be resolved by the time the surgery would come about, but because of all the legal processes things became more and more delayed. So after the first step of the epilepsy surgery has been completed and the recovery time has past. The panel of neurological surgeons has gather the information from the first surgery and decided on the type of second step to take place. But due to the log jam they have it will be scheduled down the road when a opening comes about. So I would like to take this time to request the opportunity to pick up my case and finish while there is an opening in my surgery schedule. And I am open to the court's availability and discreation. So I am humbly submitting this request to finish my case properly. Thank you for your time. And I will refile my compliant.



The first sign of discrimination occurred in December of 2015. I had my first seizure that was seen by someone. It happened at Christmas Dinner in front of my family. I was treated and released from the hospital and began to see a neurologist who after treatment said I could return to work, Kellogg's just had to follow Nebraska Seizure Protocols as reasonable safety accommodations. Which they never attempted to meet. They fought my return for 8 months asking my Doctor to drop the restrictions, but he kept saying they are not restrictions they are ways to make reasonable accommodations. But refused to accommodate. There were many instances of selective enforcement of rules.

June 2020 they forced me to return to work one month sooner than my doctor's recommendation from a leg blood clot with the threat of termination. Also still not providing reasonable accommodations for the blood clot issue or my epilepsy. I was written up 3 times in a 20 day period on the bases of job performance.

August 2021 after the years of harassment and no safety in the workplace I approached my supervisor to let him know I felt seizure coming on and needed medical attention, he just walked away talking about an adjacent issue without getting me medical help. I approached him again to request medical help and since I was behind him and in desperate need I touched him on the sleeve to get his attention to request help again, this time he turned me in to HR still no medical attention

EEOC Charge # 32E-2022-0083